

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JENNIE COURTNEY, ETC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 2:06-CV-00600-MHT
	)	
ANTHONY CLARK, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS COVINGTON COUNTY SHERIFF ANTHONY CLARK AND  
COVINGTON COUNTY DEPUTIES JERRY EDGAR AND  
WALTER INABINETT’S MOTION FOR EXTENSION OF TIME**

COME NOW Covington County Sheriff Anthony Clark (“Sheriff Clark”), Covington County Deputy Sheriff Jerry Wayne Edgar (“Deputy Edgar”), and Covington County Deputy Sheriff Walter Inabinett (“Deputy Inabinett”), Defendants in the above-entitled action, and move the Court for an Order extending the dispositive motion deadline in this matter. As grounds therefore, Defendants state as follows:

1. The current dispositive motion deadline is May 29, 2007.
2. However, these Defendants timely filed a motion to dismiss the Plaintiff’s claims with their notice of removal. The motion is based on both qualified immunity under federal law, and absolute immunity under state law.
3. The Court has not yet ruled on the Defendants’ motion.
4. As a result, no discovery has been done by the parties with respect to the Plaintiff’s claims against these Defendants. See K.M. v. Alabama Dept. of Youth Services, 209 F.R.D. 493, 495 (M.D. Ala. 2002). In K.M., this Court stated the following:

The court starts from the general premise that “*until the threshold immunity question is resolved, discovery should not be allowed.*” Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S.Ct. 2727, 2738, 73 L.Ed.2d 396 (1982). Although the

trial court has substantial discretion in discovery matters, “the trial court must exercise its discretion in a way that protects the substance of the qualified immunity defense. It must exercise its discretion so that officials are not subjected to unnecessary and burdensome discovery or trial proceedings.” Crawford-El v. Britton, 523 U.S. 574, 597- 98, 118 S.Ct. 1584, 1596, 140 L.Ed.2d 759 (1998). Once the qualified immunity defense is raised, “balancing is done with a thumb on the side of the scale weighing against discovery.” Harbert Int’l, Inc. v. James, 157 F.3d 1271, 1280 (11th Cir.1998).

Id. (emphasis added).

5. Accordingly, as the Court has not ruled on the pending qualified immunity-based motion to dismiss, and no discovery has been or could be conducted, it is necessary to extend the dispositive motion deadline.

6. Counsel for these Defendants has contacted the Plaintiff’s attorney and has been informed that the Plaintiff has no objections to extending this deadline.

WHEREFORE, premises considered, Defendants move the Court for an Order extending the dispositive motion deadline to a future date that will enable the Court to rule on the pending motion to dismiss and the parties to conduct discovery in the event the Plaintiff’s claims against these Defendants survive the motion to dismiss.

Respectfully submitted, this 29th day of May, 2007.

**s/Gary L. Willford, Jr.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29th day of May, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Steven Keith Herndon, Esq., Matthew Y. Beam, Esq., Alan T. Hargrove, Esq., R. Brett Garrett, Esq., Bert P. Taylor, Esq.**

Additionally, the following parties have been served via United States Mail, postage-prepaid:

Oscar Roy Doster	James Darren Harnage	Darden Engineers
AIS 177168	AIS 239251	P.O. Box 126
P.O. Box 150	P.O. Box 150	Dadeville, Alabama 36853-
Mt. Meigs, Alabama 36057	Mt. Meigs, Alabama 36057	0126

**s/Gary L. Willford, Jr.**  
OF COUNSEL